

# **DUCHESNE COUNTY**

## **PLANNING COMMISSION MEETING**

### **JANUARY 6, 2016**

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<b>REQUEST TYPE:</b>	Conditional Use Permit
<b>APPLICANT:</b>	Integrated Water Management (IWM)
<b>PROPOSAL:</b>	Off Premise Advertising Sign
<b>LOCATION:</b>	West side of the intersection of Highway 87 and 2000 South, in Section 31, Township 2 South, Range 4 West, in the Blue Bench area, north of Duchesne.
<b>ZONING DESIGNATION:</b>	A-5

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## **FINDINGS OF FACT**

### **1. PROPOSAL DESCRIPTION**

The applicants are proposing to erect an off-premise advertising sign at the intersection of Highway 87 and 2000 South (the access road to the Blue Bench landfill). Such signs require a conditional use permit in the A-5 zone.

### **2. HISTORY OF EVENTS**

December 1, 2015	The application was submitted.
December 1, 2015	The application was deemed complete.
December 11, 2015	Notice mailed to property owners within 300 feet of the subject property.
December 22 & 29, 2015	Notice of Public Hearing published in the Uintah Basin Standard
January 6, 2016	Planning Commission hearing.

### **3. DUCHESNE COUNTY ZONING CODE**

#### **8-13-1: SCOPE AND PURPOSE:**

- A. Issuance: Conditional use permits may be issued as provided by this title for any of the uses for which a conditional use permit is required as identified in the table of uses and the table of site development standards, as set forth in Chapter 6 of this title.
- B. Purpose: The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed, arranged or conducted on the site in a particular manner.
- C. Conditions: A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed land use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use permit may be denied.

#### **8-13-2: APPLICATION FOR PERMIT:**

All requests for a conditional use permit shall be made on the application form provided by the county, detailing the nature of the conditional use request. The applicant shall also provide the necessary information identifying the purpose of the conditional use request, and all required information shall be provided to the planning office twenty one (21) days prior to the planning commission meeting. The planning commission is authorized to render a final decision on the issuance of a conditional use permit following the review and receipt of a recommendation from the zoning administrator.

**8-13-3: PUBLIC HEARING REQUIRED:**

All applications for a conditional use permit shall be made in accordance with the provisions of this title, and shall be the subject of a public hearing held before the planning commission for which a minimum of fourteen (14) days' public notice has been provided and the planning staff notifying all property owners by U.S. mail within three hundred feet (300') of the proposed conditional use.

**8-13-4: FINDINGS AND CONDITIONS FOR APPROVAL:**

A. Findings Required: The planning commission may grant a conditional use permit in compliance with this title if, from the application and the facts presented at the public hearing, it finds:

1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.

**Findings: The proposed sign could be detrimental if it were placed too close to the highway or if it is not designed to withstand wind forces.**

**The proposal has been reviewed by UDOT Region 3 and they were not able to verify the width of their right of way at this location. UDOT requested that the applicant have the Ochenta property surveyed or take other actions to verify the location of the property lines. The sign cannot project into the highway right of way or onto another owner's property.**

**The applicants have had the proposed sign designed by a licensed structural engineer. If the permit is granted, the applicant will need to obtain a building permit and have the sign installation inspected to ensure that it is installed in accordance with the approved plan.**

2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.

**Findings: The Duchesne County General Plan states that future growth and development decisions should be made with sensitivity to rural residential and agricultural interests. The plan indicates that the county wishes to encourage business activity and support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses. In light of these plan policies, the Conditional Use request should be approved to support signage to direct clients to an existing business site, provided that conditions of approval are imposed to protect public health, safety and welfare.**

**The purposes of the Zoning Ordinance are set forth below:**

**8-1-2: PURPOSE:**

A. The purpose of this title is to implement the goals and policies of the county general plan. This title contains standards, provisions and requirements intended to protect the health, safety and welfare of the citizens of the county by ensuring that neighbors, adjacent and neighboring properties are protected from potential negative impacts in the development and use of land and resources. It is the intent of this title to provide a means of ensuring predictability and consistency in the use of land and individual properties, and to guide and direct the development of land.

B. These purposes are met by:

1. Providing the means of implementing the various policies and other provisions of the county general plan;
2. Generally directing and guiding land development so more intense development is located in areas of the county having the necessary services and facilities sufficient to meet the demands of the proposed development;
3. Promoting the public health, safety and general welfare by regulating the location and use of buildings, structures and land for residential, commercial and other specified uses;
4. Protecting landowners from potential adverse impacts from adjoining uses; and
5. Directing and managing, through the establishment of use districts, the type, distribution and intensity of activity.

**Findings: If the applicant meets the Conditional Use permit criteria and complies with the conditions of approval, the purposes of the Zoning Ordinance will be met.**

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

**Findings: The property on which the sign is proposed is a vacant parcel that is 80 acres in size. This provides sufficient space to locate the proposed sign, which is anticipated to be located near the north property line of the parcel.**

B. Conditions:

1. In approving a conditional use permit, the planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the county general plan and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity. Minimum conditions shall be included for produced water disposal facilities, extraction of

earth products and residential treatment or secure treatment facilities as indicated in section 8-13-5 of this chapter.

2. When approving a conditional use permit, the planning commission may impose such requirements and conditions as follows: location, construction, maintenance, odor control, operation, site planning, traffic control, dust control, noise, time limits and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning commission may require guarantees or other evidence that such conditions will be met and complied with.

#### **8-13-5-5: ADDITIONAL CONDITIONS SPECIFIED:**

These conditions may include:

- A. Landscaping, Design: That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.

**Findings: There is no irrigation water available at the site for landscaping. Fencing or other buffering is not necessary due to the nature of the proposed use.**

- B. Parking: Provisions of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to specified standards.

**Findings: Not applicable.**

- C. Streets, Water, Sewer, Fire Protection: The provision of required street and highway dedication and improvements, and adequate water supply, sewage disposal and fire protection.

**Findings: Not applicable.**

- D. Signs: Regulation of signs.

**Findings: The zoning ordinance regulates signs as follows:**

#### **8-9-14: SIGNS, ON PREMISES AND OFF PREMISES ADVERTISING:**

- A. General Provisions:

1. No advertising sign or structure shall be erected which by reason of its size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control or warning device. **Findings: The proposed sign will be illuminated with solar-powered lighting. This lighting cannot be of a color or flashing nature that would cause confusion for drivers along Highway 87.**

2. No advertising sign shall be erected within a public right of way. **Findings: The location of the highway right of way will need to be determined by a survey or other means as required by UDOT Region 3.**

3. All advertising signs shall comply with the provisions of the national electrical code and international building code in effect at the time the sign is proposed to be erected. Signs involving electrical wiring or connections shall be erected only by a licensed and bonded contractor. Where required by the building official, signs shall be designed by a structural engineer, licensed by the state of Utah, to ensure the proposed sign structure will comply with all construction code requirements. **Findings: Before installation of the sign, the plans will need to be submitted to the Duchesne County Department of Building Safety for approval and a building permit.**
  4. No advertising sign shall exceed a height of fifty feet (50'), measured from the abutting roadway grade. **Findings: The proposed sign would be 18 feet above ground level, and perhaps slightly lower than 18 feet above the grade of Highway 87.**
  5. No advertising sign shall be attached to a motor vehicle or trailer that is not actively in use for transportation purposes or not currently licensed and insured for use on public roads. Any such signage in place as of the date of this section shall be removed within a three (3) year amortization period beginning on the date this section was approved. **Findings: The proposed sign is not designed to be attached to a motor vehicle or trailer.**
  6. No advertising sign shall be placed on a motor vehicle or trailer that could impede the driver's ability to safely operate that vehicle. Advertising signs placed on a motor vehicle or trailer shall be securely affixed in a manner to prevent such signage from becoming dislodged by wind forces. **Findings: Not applicable.**
  7. Off premises advertising sign requests shall contain the written permission of the property owner. **Findings: The property owner (Ochenta LLC) has granted written permission to place the sign on his property by letters dated October 29 and October 30, 2015. Permission was granted subject to the sign being no more than 8 x 12 feet in size and subject to indemnification of the owner from any liability associated with the sign.**
  8. All advertising signs shall be maintained in good repair and shall be repaired by the sign owner within ninety (90) days of receipt of a notice to repair from the county. The building official may order or cause the immediate removal of a sign deemed to constitute a public safety hazard. **Findings: The sign must be kept in good repair or the county will issue a notice to repair the sign or remove it.**
  9. Advertising signs shall be removed after a business is closed or the product or service advertised is no longer available. Removal of said signs shall be accomplished by the sign owner within ninety (90) days of receipt of a notice to remove from the county. **Findings: If the business or services advertised on the sign cease to exist at the location just east of the sign, the sign shall be modified accordingly or removed as stated above.**
- E. Nuisances: The mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.

**Findings: Not applicable.**

F. Operating Hours: The regulation of operating hours for activities affecting normal schedules and functions.

**Findings: Not applicable.**

**8-13-6: TERM OF PERMIT:**

Unless there is substantial action under a conditional use permit within a period of eighteen (18) months of its issuance, the permit shall be considered null and void.

**8-13-7: REVOCATION OR MODIFICATION OF PERMIT:**

A. Authority: If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the planning commission shall hold a public hearing on the question of modification or revocation of a conditional use permit granted under the terms and the provisions of this title.

B. Conditions: A conditional use permit may be modified or revoked if the planning commission finds that one or more of the following conditions exist:

1. The conditional use permit was obtained in a fraudulent manner.
2. The use for which the conditional use permit was granted has now ceased for at least six (6) consecutive calendar months.
3. One or more of the conditions of the conditional use permit have not been met.

C. Modification by Planning Commission: Additionally, the conditions under which a conditional use permit was originally approved may be modified by the planning commission without the consent of the property owner or operator, if the planning commission finds that the use or related development constitutes or is creating a demonstrated nuisance. Should reclamation be necessary, complete restoration, to such an extent that the area will not depreciate the surrounding property or impair the beauty of the landscape, shall be accomplished within a twelve (12) month time frame.

**CONCLUSIONS**

1. The request will comply with the Conditional Use Permit requirements of the Duchesne County Zoning Code, provided that conditions are imposed.
2. The request is valid.

**RECOMMENDATION**

Recommended Motion: I move that the Planning Commission approve the Conditional Use Permit requested by Integrated Water Management, subject to the following conditions:

1. Before construction of the sign, the applicant shall:
  - a. Verify the location of the Ochenta LLC property lines and highway right of way line by a property survey or other means acceptable to Duchesne County and UDOT Region 3. The sign may not project beyond the Ochenta LLC property lines onto another private property or the Highway 87 right of way.
  - b. Submit sign design plans to the Duchesne County Department of Building Safety and obtain a building permit.
2. Illumination of the sign cannot be of a color or flashing nature that could cause drivers along Highway 87 to confuse the sign for a traffic control device or emergency vehicle.
3. The sign must be kept in good repair.
4. If the business or services advertised on the sign cease to exist at the location advertised, the sign shall be modified accordingly or removed as directed by the County.

Mike Hyde, AICP  
Community Development Administrator

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